



PUBLIC NOTICE

**Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554**

News media information 202 / 418-5000
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA-03-1741

**Before the
Federal Communications Commission
Washington, D.C. 20554**

PUBLIC NOTICE

Released: May 22, 2003

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

A1A TV, Inc. – Request for waiver of FY 2000 regulatory fee late payment penalty for television station W22AN **Denied** (April 25, 2003)

Abiquiu Village TV Association of Abiquiu, NM – Request for waiver of FY 2002 regulatory fees for the television translator system operated by the Abiquiu Village TV Association of Abiquiu, NM **Granted** (January 22, 2003) [See Implementation of Section 9 of the Communications Act, Memorandum Opinion and Order, 10 FCC Rcd 10,891, para. 16 (1995)]

Balentine, Jimmy – Request for fee determination for FY 2002 for station WPSR572 **Replied** (January 22, 2003) [See Federal Communications Commission Public Notice "FY 2002 Commercial Wireless Regulatory Fees," (August 5, 2002) and see Assessment and Collection of Regulatory Fees for Fiscal 2002, Report and Order, MD Docket No. 02-64, FCC 02-205, Attachment D (rel. July 5, 2002)]

Borinquen Beepers, Inc. – Request for waiver and refund of the filing fee paid in connection with the pro forma assignment of CMRS licenses from Borinquen to the Trustee **Granted** (January 16, 2003) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73 (1990) see also MobileMedia Corporation, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee)]

Century Cablevision Holdings, L. L. C. - Request for a waiver of the filing fees associated with certain station and registration renewal applications to be filed between April 1, 2003 and December 31, 2003 **Granted** (April 25, 2003) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73 (1990) see also MobileMedia Corporation, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee)]

CommuniGroup of K. C., Inc. - Request for waiver of FY 2000 regulatory fee late payment penalty **Denied** (January 16, 2003)

Commco Technology, LLC – Request for waiver and refund of the filing fees paid in connection with two applications for involuntary control of microwave licenses from Commco Technology, LLC debtor and debtor-in-possession to the trustee **Granted** (March 20, 2003) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73 (1990) see also MobileMedia Corporation, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee)]

Cross Comm, Inc. - Request for waiver of FY 2002 regulatory fee for FM translators W296AD, W280AF and W267AF **Granted** (January 22, 2003) [See Implementation of Section 9 of the Communications Act, Memorandum Opinion and Order, 10 FCC Rcd 10,891, para. 16 (1995)]

Desert 31 Television Inc. commercial television station KVMD, Twentynine Palms, CA - Request for waiver of FY 2001 regulatory fees **Dismissed** (January 8, 2003) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon granted, 10 FCC Rcd 12759 (1995)]

Eagle Nest TV Association - Request for waiver of the FY 2002 regulatory fees for translator stations K09AK and K48AX, Eagle Nest and Rural, New Mexico; K35BZ, Eagle Nest, New Mexico; K20G0, Eagle Nest/Angel Fire, New Mexico; and FM Translator K236AK, Eagle Nest, New Mexico **Granted** (January 21, 2003) [See Implementation of Section 9 of the Communications Act, Memorandum Opinion and Order, 10 FCC Rcd 10,891, para. 16 (1995)]

Florence Television, LLC - Request for waiver of FY 2002 regulatory fee for WHDF (TV) **Granted** (January 21, 2003) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995)]

Highland Cellular, Inc. - Request for waiver of the FY 2002 regulatory fee late payment penalty **Denied** (March 24, 2003)

Horvath Broadcasting, L. L. C. - Request for refund of FY 2002 regulatory fees **Granted** (February 14, 2003) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon granted, 10 FCC Rcd 12759 (1995)]

KGKL Incorporated - Request for waiver of FY 2000 regulatory fee late payment penalty for KGKL FM 97.5 & KGKL AM 960 **Denied** (January 16, 2003)

KMRI Radio, Inc. - Request for waiver of regulatory fees for FY 2002 for KMRI-AM **Denied** (January 22, 2003) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995)]

Mississippi College - Request for waiver of FY 2002 regulatory fee late payment penalty for WHJT **Denied** (March 2, 2003)

McLeodUSA Telecommunications Services, Inc. - Request for waiver of FY 2002 regulatory fee late payment penalty **Denied** (March 24, 2003)

Off Campus Telecommunications T/A Apartment Services, Inc. - Request for waiver of the FY 2001 regulatory fee late payment penalty **Denied** (January 31, 2003)

Optel (Texas) Telecom, Inc. (filer ID No. 817192); TVMAX Telecommunications, Inc. (filer ID No. 813088); TVMAX Telecommunications (Texas), Inc. (filer ID No. 813086); Optel (Arizona) Telecom, Inc. (filer ID No. 819950); and Optel (California) Telecom, Inc. (filer ID No. 819952). Request for waiver of the FY 2002 interstate telecommunications service providers regulatory fees **Granted** (January 31, 2003) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2002, 67 FR 46298, para. 26 (July 12, 2002), errata 67 FR 61000, para. 1 (September 27, 2002)]

ORBCOMM LLC and ORBCOMM License Corp. Request for deferral and waiver of any fees that may be associated with the submission of its "Request for Extension of Launch Authority" FCC call sign S2103 **Dismissed** (January 22, 2003) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995)]

Parnassos, L.P., Debtor-in-Possession - Request or refund of various filing fees remitted by Adelphia Communications Corporation in connection with numerous license renewal applications filed with the Commission through November 2002 **Granted** (March 24, 2003) [See MobileMedia Corporation, et al., Memorandum Opinion and Order, 14 FCC Rcd. 8017, 8027, ¶ 40 (1999)]

PENSAT International Communications, Inc. - Request for waiver of regulatory fees for FY 2001 **Denied** (January 16, 2003) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995)]

Phoenix Broadcasting, Inc. - Request for reconsideration of a fee waiver decision denying a request for waiver of the FY 2000 regulatory fees for KSWD(AM) and KPFN(FM) **Denied** (January 31, 2003) [See Implementation of Section 9 of the Communications Act 10 FCC Rcd 12759, 12761-62 (1995)]

Poulos, Don Request for refund of application renewal fees
Denied (January 31, 2003) [See 47 CFR Section 1.1108]

Professional Antenna, Tower and Translator Service –
Request for waiver of the FY 2002 regulatory fees for the
translator stations K245AB, K251AF, K261AA, K269AB,
K274AF, K280AE, KO7IU and K19CE **Granted** (January
21, 2003) [See Implementation of Section 9 of the
Communications Act, Memorandum Opinion and Order, 10
FCC Rcd 10,891, para. 16 (1995)]

Progressive Broadcasting, Inc. - Request for waiver of FY
2000 regulatory fee late payment penalty due for WBCB-AM
Denied (January 22, 2003)

SkyTel Corp. (Debtor-in-possession) Request for waiver
and deferral of the application filing fees Station KPE495
Granted (January 6, 2003) [See MobileMedia Corporation,
et al., Memorandum Opinion and Order, 14 FCC Rcd. 8017,
8027, ¶ 40 (1999)]

Twelve Mile Ranch – Request for waiver of FY 2002
regulatory fee for television translator F11MM **Granted**
(January 22, 2003) [See Implementation of Section 9 of the
Communications Act, Memorandum Opinion and Order, 10
FCC Rcd 10,891, para. 16 (1995)]

United Air Lines, Inc. - Request for waiver of the filing fees
submitted in connection with the application for pro forma
assignment of wireless aircraft licenses from the licensee,
United air Lines, Inc. **Granted** (March 24, 2003) [See
Establishment of a Fee Collection Program to Implement the
Provisions of the Consolidated Omnibus Budget
Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73
(1990) see also MobileMedia Corporation, 14 FCC Rcd
8017, 8027 (1999) (bankruptcy establishes good cause for
waiver of filing fee)]

Wennes Communications Stations, Inc. Request for waiver
of FY 2002 regulatory fee late payment penalty **Denied**
(March 24, 2003)

Winnebago Broadcasting, Inc. – Request for waiver of FY
2000 regulatory fee late payment penalty **Denied** (January
31, 2003)

**NOTE: ANY QUESTIONS REGARDING THIS
REPORT SHOULD BE DIRECTED TO THE
REVENUE AND RECEIVABLES OPERATIONS
GROUP AT (202) 418-1995.**

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 25 2003

OFFICE OF
MANAGING DIRECTOR

Jill Campbell, President
A1A TV, Inc.
126 Hercules Road
St. Augustine, FL 32086-6718

DOCKET FILE COPY ORIGINAL

Re: Request for Waiver of Late Penalty
Fiscal Year 2000 Regulatory Fees
Fee Control No. 00000RROG-03-034
Bill No. 2001-9-0191

Dear Ms. Campbell:

This responds to your request dated January 9, 2001 for waiver of the late charge penalty for late payment of the regulatory fee for fiscal year (FY) 2000 for television station W22AN. Your request responds to our letter, dated January 3, 2001, advising of the assessment of a 25 percent late charge penalty of \$70.00, because the regulatory fee, which was due on September 22, 2000, was received on October 5, 2000.

You submit that good cause exists to waive the penalty for late payment. You indicate that information concerning payment of the regulatory fee was sent to the address of the previous licensee, who forwarded the material only after the September 22, 2000 due date. You believe you should be exempt from any late payment penalties because "this is [y]our first time paying" the regulatory fee.

The Commission's rules are clear that licensees, such as A1A TV, Inc., are required to pay to the Commission an annual regulatory fee in a timely manner and that failure to pay the fee by the announced filing deadline will result in the assessment of a 25 percent penalty for late payment. *See* 47 C.F.R. §§ 1.1157, 1.1164. The Communications Act of 1934, as amended, also requires that the Commission assess a late charge penalty of 25 percent on any regulatory fee that is not paid in a timely manner. *See* 47 C.F.R. § 159(c). It is the current licensee, rather than the former licensee, that is ultimately responsible for paying the regulatory fee and for ensuring it is received no later than the final date on which fees are due for the year. The Commission issued a Public Notice announcing that FY 2000 regulatory fees were due on September 22, 2000 and must be received at Mellon Bank by that date in order to avoid a mandatory 25 percent late payment penalty. *See Public Notice: Extension of Fiscal Year 2000 Regulatory Fee Filing Window*, 15 FCC Rcd 17999 (Sept. 19, 2000). Despite the recent acquisition of the station, A1A TV, Inc., as a Commission licensee, had a responsibility to familiarize itself with the Commission's rules and requirements; and its lack of familiarity with those rules does not

Jill Campbell, President

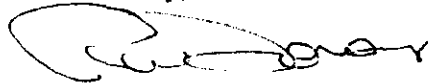
2.

mitigate or excuse the late payment of the regulatory fee for FY 2000. Licensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances. *Outlet Communications Inc. and Atlin Communications Inc.*, 7 FCC Rcd 632 (1992), *citing, Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970) (claimed inexperience in selling time to candidates did not excuse violation of Section 315(b) of the Communications Act). Clear, mitigating circumstances that would justify waiver of the 25 percent penalty for late payment of the regulatory fee have not been demonstrated in this case. We therefore deny your request for waiver of the late penalty.

Payment of A1A TV Inc.'s late payment penalty of \$ 70.00 for FY 2000 should be submitted, together with a copy of Bill 2001-9-0191 (copy enclosed), within 30 days of the date of this letter. You are advised that continued failure to pay the penalty may subject you to further sanctions, including the initiation of a proceeding to recover the penalty and any accrued interest pursuant to the provisions of the Debt Collection Improvement Act. *See generally* 47 C.F.R. § 1.1164.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



fr.
Mark A. Reger
Chief Financial Officer

Enclosure: Copy of Bill 2001-9-0191

00000RROG-03-034

A1A TV 22

THE WORLD'S FIRST WORLD WIDE WEB TELEVISION NETWORK

904-794-6774 FAX 240-220-7712 FAX 904-797-5738 EMAIL A1ATV@AUG.COM

WWW.A1ATV.COM

126 HERCULES RD ST AUGUSTINE, FL 32086-6718

1-9-01

FCC

Andrew S. Fishel, Managing Director

445 12th Street SW

Washington, DC 20554

2001-9-0191

Dear Andrew:

This letter is in reply to a letter from Susan Donahue dated January 3, 2001, regarding a penalty that is due for paying our annual regulatory fees late for W22AN. I believe we can show just cause as to why this penalty is inapplicable. As the enclosed envelope will show, the information concerning payment for the regulatory fees was sent to the correct company name, but the previous licensee's (Lumen) address. Gloria Adreani, who resides at 160 Supreme Court, forwarded us the information as soon as she returned from vacation, which was after the due date. Since we received the information after the due date and this is our first time paying, I believe you will find that we should be exempt from any late penalties.

I appreciate your help in this matter. If I can be of further assistance, please call me: (904) 794-6774.

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(AHD-FO)

JAN 18 10 41 AM '01

RECEIVED

Sincerely,
Jill Campbell, President
A1A TV, Inc.

RECEIVED OCT 10 2002

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JAN 03 2001

A1ATV, Inc.
126 Hercules Road
St. Augustine, FL 32086-6718

Re: W22AN

Dear Licensee:

This letter is notice that you were late paying your 2000 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by midnight, September 22, 2000. Your fee payment of \$ 280.00 has received on Oct. 05, 2000.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of \$ 70.00 has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 20 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358835, Pittsburgh, PA 15251-5835, along with a copy of the enclosed billing invoice.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 22, 2000, such as a carrier dated receipt, please include this documentation with your response so that we can clear your record(s).

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Act, 31 USC 3717.

If you have any question, you may contact my office at (202) 418-1995.

Sincerely,



Susan A. Donahue, Chief
Revenue and Receivables Operations Group

Enclosure

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COM
REMITTANCE ADVICE

10-10-00 8835877 002

Approved by ON

(1) LOCKBOX #

FCC/MELLON OCT 05 2000

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

(3) TOTAL AMOUNT PAID (U.S. Dollars and Cents) \$12810.10

STILL CAMPBELL

(4) STREET ADDRESS LINE NO. 1

1216 HERCULES RD

(5) STREET ADDRESS LINE NO. 2

(6) CITY

ST AUGUSTINE

(7) STATE (8) ZIP CODE

FL 32086-617

(9) DAYTIME TELEPHONE NUMBER (include area code)

91047946774

(10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

(12) PAYER (TIN)

302663778

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

A114 TIV TINK

(14) STREET ADDRESS LINE NO. 1

1216 HERCULES RD

(15) STREET ADDRESS LINE NO. 2

(16) CITY

ST AUGUSTINE

(17) STATE (18) ZIP CODE

FL 32086-617

(19) DAYTIME TELEPHONE NUMBER (include area code)

91047946774

(20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

(22) APPLICANT (TIN)

0003-7908-70

591-3554206

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

W22AN

(24A) PAYMENT TYPE CODE

00671

(25A) QUANTITY

11

(26A) FEE DUE FOR (PTC)

2810.10

(27A) TOTAL FEE

\$12810.10

FCC USE ONLY

(28A) FCC CODE 1

39241

(29A) FCC CODE 2

FL ST AUGUSTINE

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

2810.10

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, JIM CAMPBELL

certify under penalty of perjury that the foregoing and supporting information is true and

the best of my knowledge, information and belief.

SIGNATURE

J. Campbell

DATE 9-28-00

SECTION E - CREDIT CARD PAYMENT INFORMATION

MASTERCARD/VISA ACCOUNT NUMBER

70.00

**Federal Communications Commission
BILL FOR COLLECTION**

FOR INQUIRIES CALL
1-202-418-1995
(Revenue/Receivables Operations)

Bill Number 2001-9-0191	Bill Date 01/03/01	Please write your bill number on your remittance.
<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> A1A TV, INC. 126 HERCULES ROAD ST. AUGUSTINE, FL 32086-6718 </div>		Payable to: Federal Communications Commission Send a copy of this bill to: Federal Communications Commission Revenue/Receivables Operations P.O. BOX 358838 PITTSBURGH, PA 15251 - 5838
Total Amount Due \$70.00	Total Amount Due Must Be Received By	Due Date 02/05/01
Description		
25% PENALTY FOR LATE PAYMENT OF FY 2000 REGULATORY FEE(S) CALL SIGN: W22AN		
Please attach a copy of this bill to your payment to ensure proper credit.		
Payment Type Code	Quantity	Fee Due
F I N E	1	\$70.00
Total Due		\$70.00
Payment Method: Check <input type="checkbox"/> (Attach) Credit card <input type="checkbox"/> (Complete Below)		
<input type="checkbox"/> MASTERCARD <input type="checkbox"/> VISA Account No.: <div style="border: 1px solid black; width: 500px; height: 25px; margin: 5px 0;"></div> Expiration: <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;"> </div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;"> </div> <div style="margin: 0 10px;">Month</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;"> </div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;"> </div> <div style="margin: 0 10px;">Year</div> </div>		
I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.		
AUTHORIZED SIGNATURE		DATE